

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY JACKSON,

Plaintiff,

vs

9:07-CV-631

BRIAN FISCHER, Commissioner, Department of
Correctional Services; DEPARTMENT OF
CORRECTIONAL SERVICES, NYS; DONALD
SELSKY, Director, Special Housing, Inmate
Disciplinary Program; ROBERT K. WOODS,
Superintendent, Upstate Correctional Facility;
J. BENNETT, Correctional Officer, Upstate
Correctional Facility; UHLER, Captain, Upstate
Correctional Facility; and UPSTATE CORRECTIONAL
FACILITY,

Defendants.

APPEARANCES:

ANTHONY JACKSON
02-A-6522
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

RICHARD LOMBARDO, ESQ.
Asst. Attorney General

ORDER

Plaintiff, Anthony Jackson, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated July 21, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that plaintiff's IFP status be revoked because plaintiff has brought on actions on three or more occasions which have been dismissed under 28 U.S.C. § 1915(g), and because he has not alleged in this action that he is in imminent danger of serious physical injury; that plaintiff's amended complaint (Docket No. 7) be conditionally dismissed until such time as plaintiff has payed the entire \$350.00 filing fee; and that if plaintiff does not submit the \$350.00 filing fee within thirty days from the date of the order adopting or rejecting the report-recommendation, his complaint be dismissed. Objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

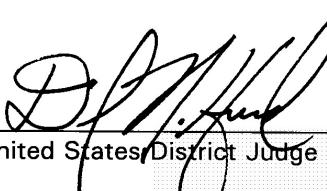
Accordingly, it is

ORDERED that

1. Plaintiff's IFP status is REVOKED;
2. Plaintiff's amended complaint (Docket No. 7) is CONDITIONALLY DISMISSED until such time as plaintiff has payed the entire \$350.00 filing fee; and
3. In the event plaintiff does not submit the \$350.00 filing fee within thirty (30) days from the date of this order the complaint is DISMISSED.

4. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



D.P. M. Jones
United States District Judge

Dated: September 15, 2008
Utica, New York.